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SPECIAL MESSAGE

OF THE

GOVERNOR OF OREGON,

TO THE

LEGISLATIVE ASSEMBLY.

Delivered Sept. 23d, and 1000 copies ordered printed by the Senate, and 500 by the House of Representatives.

SALEM, OREGON:
Henry L. Pittock, State Printer.
1864.

SPECIAL MESSAGE.

To the Senate and House of Representatives:

By act of September 4th, 1841, the State of Oregon is entitled to five hundred thousand acres of land.

Also the State is entitled to seventy-two sections for the use and support of a State University; to ten sections for public buildings; all salt springs, not exceeding twelve in number, with six sections of land adjoining each; ninety thousand acres for Agricultural Colleges; also to all swamp lands donated by Act of March 12th, 1860, and reported as such by the Commissioner of the General Land Office.

By Act of the Legislative Assembly of this State, passed October 17th, 1860, the Governor was authorized "to select the lands and salt springs granted to the State of Oregon" by the various Acts of Congress, but for the reasons set forth in his message following that date, the Governor made no selections of land.

At the same session of the Legislature, by Act approved October 19th, 1860, any citizen complying with the provisions of said Act was authorized to locate a claim containing not less than forty acres nor more than three hundred and twenty acres, as part of the five hundred thousand acres of land due this State. Under that act, one hundred and fifty claims were taken, and notice thereof filed in this office, amounting in the aggregate to twenty-two thousand one hundred and seventy-two and 38-100 acres. But before the next session of the Legislature, instructions were received from the Commissioner of the General Land Office, in effect that the part allowing locations in less quantities

than three hundred and twenty acres, was in violation of the provisions of the Act of September 4, 1841, and void. But by said instructions, it appeared that locations in less quantities than three hundred and twenty acres might be taken, provided the State accounted to the General Government for the amount, the same as if three hundred and twenty acres had been taken.

Doubtless the Legislature of 1862 considered the State, in good faith, bound to make good the locations thus made under the Act of 1860, by such amendments to the law as would secure that object. Accordingly, by Act approved October 15th, 1862, the Legislature repealed the Acts of 1860, and appointed the Governor a Land Commissioner for the State, and instructed him, where practicable, to select other lands adjoining claims taken in less quantities than three hundred and twenty acres, so as to make three hundred and twenty acres or more, and when that could not be done, to account to the General Government the same as if three hundred and twenty acres had been taken. The law also required that I should prepare and deposit with the Register and Receiver of the Land Offices in this State, and with the Secretary of State, abstracts of the lands selected by settlers under the Act of 1860. Such abstracts have been prepared and filed.

A great majority of the settlers who located lands under the Act of 1860, acting under this impression that the law was void, neglected to pay the interest required under said Act, and have abandoned their claims. Where such is not the case, I have made many locations adjoining the lands taken by settlers in less quantity than three hundred and twenty acres, so as to comply with the Act of 1862, and with the instructions of the Commissioner of General Land Office, which enables those who made locations under Act of 1860, to perfect their title.

The law of 1862 also required that all persons entitled to land under Act of 1860, should pay the sum of one dollar and a quarter per acre for the lands to which they were entitled. Accordingly I wrote to all who had located lands, asking them to make payment. Jesse L. Lurchin responded by paying one hundred and sixty dollars in coin for one hundred and twenty-seven 17-100 acres located by him. Also thirteen others made payments in currency, and took receipts or deeds. The amount of money received, one hun-

dred and sixty dollars in coin and one thousand eight hundred and eighty-three dollars and seventy cents in currency, has been paid to the State Treasurer. See list of "land sold," hereunto attached.

All others having neglected to respond,—many having refused to pay interest and abandoned their claims, together with the fact that the State will sustain considerable loss by contending to account to the General Government for less quantities of land, the same as if there were three hundred and twenty acres, I therefore recommend that Section five of the Act of October 15th, 1862, be repealed.

Under Section 1, of Act of October 15th, 1862, I was empowered and directed to locate all the lands to which this State is entitled. There have been and are many difficulties in the way of selecting lands for this State. No lands can be selected until after the surveys are made and approved, nor until the maps and plats are made and deposited in the office of the Register of the land district in which the land is situated. Yet under the donation and pre-emption laws, settlers in Oregon have been allowed to settle upon and hold lands before the surveys were extended over them. Again, pre-emption claimants have three months, after settlement, in which to file their notifications with the Register of the Land Office Hence, where lands are taken for the State, and abstracts thereof prepared, in accordance with the instructions of the Commissioner of the General Land Office, and filed with the Register, before approval, he is obliged to allow three months time before approval, in which pre-emption claimants may come in and prove a previous selection. And where such proof is satisfactorily made, the abstracts of the State Commissioner must be changed accordingly. This makes delay and requires more care and labor on the part of the Commissioner.

The best tracts of surveyed lands in Oregon, were taken before the admission of the State into the Union, which entitled her to the five hundred thousand acres of land. Since that time the surveys have been extended over some portions of the country east of the Cascade Mountains.

As soon as the maps were filed with the Register, I employed Col. D. P. Thompson, who had surveyed the Grand Ronde and Powder river country, to assits me in locating lands there; the locations could be made in that way at less expense to the State than any other. Accordingly all the

good surveyed lands in these valleys have been located for the State.

Col. Geo. H. Belden has also been employed by me to assist in locating public lands in Wasco and Umatilla counties, and to prepare abstracts. I have also selected the best of the surveyed lands in the vicinity of Klamath Lake. The total amount selected for the State, to date, is three hundred and eighty-four thousand two hundred and thirty-two 24-100 acres. The entire expense to the State of such location has been one thousand and forty-two dollars and fifty-five cents. For particulars see "Abstract of expenses" hereunto attached. With the exception of sixty-nine dollars, the expenses have not been paid for want of an appropriation. I respectfully recommend that an appropriation be made to pay those expenses and such as may be reasonably incurred in future.

Upon ascertaining the strong probability that the State will not be able to obtain as much land as she is entitled to, which will sell very soon for one dollar and twenty-five cents per acre, and believing that there were some settles in Baker county who would be likely to abandon their locations, as pre-emption or homestead claimants, and allow the State to select the same. I issued and sent to them a circular, stating in substance that if they would abandon their pre-emption and homestead claims, and allow their claims to be located for the State, it would be of great benefit to the State, and that I would recommend that such persons be allowed to purchase the same at Government price. A number of persons have so abandoned their claims and made written application to purchase from the State. I have located all such lands for the State, and recommend that such persons be permitted to purchase those lands on as favorable terms as they could have obtained patents from the United States. The circulars which I sent only referred to *actual* pre-emption and homestead claimants.

Yet over two hundred persons have made written application to purchase lands from the State at one dollar twenty-five cents per acre in currency.

A great majority of them are not pre-emption or homestead claimants, but have set up their claims, as I am advised, since the location was made for the State.

It will add to the growth and general prosperity of that section of country, if some provision can be made at this

session of the Legislature, for the sale to actual settlers of all the lands located as soon as such locations are approved; and I doubt not such is the wish of those who are most interested in the development of that section of country.

Again it will be well to consider what shall be done with the proceeds of such sales, and by whom sales should be made.

The Act of March 4th, 1841, provides that the proceeds of the five hundred thousand acres donated to the States shall be expended for internal improvements; but the Constitution of this State says, "All the proceeds of the five hundred thousand acres of land to which this State is entitled by the provisions of 'the Act of September 4th, 1841,' shall be set apart as a separate and irreducible fund, to be called the Common School Fund,' and Congress admitted Oregon into the Union with that provision. All lands located by me have been designated as common school lands.

Article eight, Section fifth, of the Constitution, says: "The Governor, Secretary of State and State Treasurer shall constitute a board of Commissioners for the sale of school and university lands, and for the investment of the funds so arising; and their powers and duties shall be such as may be prescribed by law."

There are no swamp lands reported to this State by the Commissioner of the General Land Office, hence no such lands can be located at present.

LIST OF LANDS SOLD, AND FOR WHICH DEEDS HAVE BEEN GIVEN UNDER ACT OF 1860 AND 1862:

Date.	Names of Purchasers.	No. Acres.	Amount.	No	Remarks.
Sept. 24, '63	Wm. A Fairfield..... ...	80	$ 100 00	145	Currency.
Nov. 14, '63	Peter Rudio, assignee of J. P Thomas	267 20-100	334 00	143	Currency.
Sept. 29, '63.	James M. Bird	160	200 00	129	Currency.
Sept. 29, '63.	James Fulton	320	400 00	128	Currency.
Nov. 14, '63	Jonathan Jackson...	140 90-100	177 00	124	Currency.
Nov. 23, '63.	Jones Whitney, assignee of W L. Dennes	77	97 00	115	Currency.
July 13, '64.	John M P. Cook.....	200	250 00	144	Currency.
July 13, '63	W C. Moody, assignee H. P. Sweetser.....	40	50 00	116	Currency.
Aug. 22, '63	W. R Willis.....	120	150 00	37	Currency.
Aug. 22, '63.	Caesena Huntley.....	100 56-100	125 70	79	Currency.
			$1883 70		

SALEM, *Oregon*, Sept. 7. 1864.

Received of A. C. Gibbs, Governor of Oregon, ($1883 70) eighteen hundred and eighty-three dollars and seventy cents in legal tenders, for lands sold as per above list, under Act of the Legislature of Oregon, approved October 19th, 1560. The lands were located for School purposes.

E. N. COOKE,
State Treasurer.

ABSTRACT OF EXPENSES IN LOCATING PUBLIC LANDS.

July 1863.	For 10 days services in writing on abstract of public lands, at $4 per day, by Joseph Conway		$ 40 00
	For 1 day's services of W. H. Shields, writing, at $5 per day		4 00
Jan'y 1864	For expenses of C. N. Terry at Land Office at Oregon City		25 00
May 1864.	For services of Geo. H. Belden as agent in selections of State lands in Wasco and Umatilla counties, 33 days at $5 per day	$165 00	
	For expenses of Geo. H. Belden in locating lands	152 75	317 75
	For services of D. P. Thompson going to and from Baker and Umatilla counties and locating lands, 45 days, at $5 per day	225 00	
	For 30 days horse hire same time, $2 per day	60 00	
	For his personal and traveling expenses.	165 30	450 30
Aug. 1864.	For services of D. P. Thompson in locating lands in Powder river valley		40 00
Aug. 1864	For services of Geo. H. Belden in locating lands 25 days, at $5 per day	125 00	
Aug. 1864.	For expenses of Geo. H. Belden in locating lands	40 50	165 50
			$1042 55

By Section 9th, of the Act to provide for the expenses of the State Government, passed October 16th, 1862, the sum of five thousand dollars was placed at my disposal, to be expended at discretion for the organization of the militia of the State. The amount drawn from that is four thousand two hundred and twenty-one dollars and fifty-one cents. Included in that amount is the sum of fifty-five dollars, which has been returned into the Treasury since the report of the Secretary and Treasurer, so that the actual amount drawn from that fund is four thousand one hundred and sixty-six dollars and one cent, leaving in the Treasury the sum of eight hundred and thirty-thre dollars and ninety-nine cents, liable to be drawn for military purposes. Of that amount drawn, one hundred and twenty-eight dollars and twenty-five cents is in my hands; the balance has been expended as set forth in the abstract hereunto attached. It will be seen by reference to the abstract that most of this amount has been expended for the salary of the Adjutant General of the State, and for three hundred and sixty cavalry sabers and the mountings and belts for the same. The last Legislature required me to appoint an Adj't General, and fixed his salary at eight hundred dollars per annum, but on careful examination of the Act it was thought that there was no special appropriation for the payment of the same. The duties of the Adjutant General have been much greater than the casual observer might suppose and it could not be expected that he would serve without pay; and believing it was the intention of the Legiaslture that his salary should be paid quarterly; I have allowed his salary to be drawn from this fund.

Portions of the quota of arms furnished the Territory of Oregon, in some instances, were universally allowed to be scattered, and it has been impossible to call them all in. Cavalry companies were being organized and calling for arms. Accordingly I purchased in San Francisco, in October last, three hundred and sxty cavalry sabers at the price of two dollars and fifty cents each. They are not of the first quality, but they were purchased very low and are richly worth much more than that price. The mountings and belts were purchased separately and are of the very best quality.

ABSTRACT.

1862		
Dec 9...	Asahel Bush, Printing 200 copies Militia Law.....	$12 00
16..	James Brown for cleaning and putting down carpet in Adjt. Office	7 00
1863		
Jan. 9...	Adjt. General salary from Nov. 13 to Dec. 31, '62.	106 66
Feb 7...	Asahel Bush printing letter heads for Adjt. General's Office	7 50
May 9...	Jones, Reed & Co, painting 2 signs for Adjutant General's Office.....	6 00
26...	A. B. Shoemaker 3 days work cleaning and repairing guns.....	10 00
June 1..	Jones, Reed & Co making 15 boxes for gun locks.	7 75
1..	J. L. Parrish & Co. Blank books for Adjutant General's Office..	48 00
5..	A. J. Riely 1½ days work packing guns	5 00.
12..	Andrew Simmons hauling arms from Salem to Eugene.....	20 00
16..	N. O. Parish & Co pens, pencils and files for Adjutant Generals Office.....	6 50
16.	M. G. McCarty, freight on 3 boxes of gun locks to Eugene..	2 00
16.	Matheney & Wright wharfage and storage on guns.	4 00
23.	J. T. Hamilton postage stamps for Adjutant Generals Office	11 24
July 1...	C Adams & Co., drayage on ordnance.....	13 38
7.	M. G. McCarty, freight on 1 box of gun locks to Eugene.....	1 00
Aug. 8.	Crandall & Waite, 925 Blank Commissions	67 00
8..	" " 100 " " "	12 00
29..	N. O. Parrish & Co., Stationery for Adj't Office....	39 75
29.	J. L. Parrish & Co, 25 Tactics...	16 67

Sept. 1..	A. J. Riely, expenses on Cannon from Corvallis...	16 00
4..	John Barnet, hauling guns from Salem to Portland.....	15 36
3..	J. T. Hamilton, postage stamps for Adj't Office	11 88
5..	A. B. Shoemaker, packing accoutrements, Albany Co.....	3 00
1864		
Jan. 8...	I. D. Applegate, freight on sabres and for 60 sabre's belts, from San Francisco.....	92 00
12...	J. T. Hamilton, postage stamps for Adjutant General's Office.....	7 46
23...	Steamer Rival, 1 package from Portland	2 00
23...	" Onward, freight from Portland...	5 88
23..	W. Adams, drayage on arms.....	1 50
Mar. 8..	Matheney & Wright, freight and drayage on arms.	12 65
8..	N. O. Parrish & Co., inkstand etc. for Adj't Office.	6 00
April 1..	Uzafovage & Wright, freight on 3 pk'gs arms to Corvallis.....	1 00
1..	Uzafovage & Wright, freight on 4 pk'gs arms to Eugene.....	13 50
1..	Uzafovage & Wright, freight on 4 pk'gs arms to Corvallis	9 00
5..	N. O. Parrish & Co., Stationery for Adjutant General's Office.....	8 50
5..	C. Adams & Co., drayage on arms.....	3 75
23..	J. T. Hamilton, postage stamps Adjutant General's Office.....	3 50
July 9...	O. P. & Pub. Co., Blanks.	42 00
25...	J. T. Hamilton, postage stamps Adjutant General's Office.....	6 50
1863		
Jan. 1...	C. A. Reed, salary Adjutant General.....	133 33
June 30..	" " "	200 00
Sept. 1..	" " "	200 00
Dec. 1..	" " "	200 00
1864		
Mar. 1..	" " "	200 00
June 1..	" " "	200 00
Sept. 1..	" " "	200 00
18[illegible]		
April ...	[illegible] City, of C. A. Reed Adjutant [illegible] purpose of organizing militia [illegible] service...	59 25
[illegible]	[illegible] powder for [illegible]	3 50
[illegible]	[illegible]	[illegible]

Oct. 27..	Paid D. Norcross, San Francisco, for 360 cavalry sabres @ $2 50	900 00
27.	Also 360 belt mountings @ $1 50	540 00
Nov.....	Paid for 300 cavalry sabre belts	259 95
	Paid Steamer Pacific for freight on sabres from San Francisco	16 55
	Paid Wells, Fargo & Co. freight on belt mountings	6 00
	For cartage on sabres and belts	2 00
	Paid John Sailor for packing guns	3 50
	Total	$3,938 26

EXECUTIVE, DEPARTMENT,
SALEM, Sept. 22, 1864.

ADDISON C. GIBBS,
Governor of Oregon.